

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00167-02

JAMIE L. FOSTER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On June 15 and 16, 2016, the United States of America appeared by Jennifer Rada Herrald, Assistant United States Attorney, and the defendant, Jamie L. Foster, appeared in person and by her counsel, Philip B. Sword, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a thirty-three month term of supervised release in this action on November 13, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 5, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by her on October 23, 2015, for oxycodone; a positive urine specimen submitted by her on November 9, 2015, for marijuana and oxycodone, the defendant having admitted to the defendant that she had used oxycodone intravenously; a positive urine specimen submitted by her on December 14, 2015, for oxycodone and oxymorphone; her admission to the probation officer on April 15, 2016, that she had used Roxicodone on March 25, 2016, and April 9, 2016; and a positive urine specimen submitted by her on May 11, 2016, for oxycodone, the defendant having admitted to the probation officer that she had used Roxicodone on May 7, 2016; (2) the defendant failed to report to the probation officer as directed on April 12 and 21, 2016; (3) the defendant failed to report for urinalysis testing as directed on October 16 and 27, November 13 and 24, December 4 and 18, 2015; and January 12, 2016; (4) the defendant failed to complete inpatient substance abuse treatment through the MOTHER program as directed by the probation officer inasmuch as she entered the program on January 25, 2016, and was terminated on

April 11, 2016, after testing positive for, and admitting her use of, controlled substances; and (5) the defendant failed to report for substance abuse counseling as directed on November 24 and December 4, 2015; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TIME SERVED as of June 21, 2016, to be followed by a term of thirty-one (31) months of supervised release upon the standard

conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition, as requested by her, that, immediately upon her release from incarceration, she shall go directly to, participate in and complete the 12 to 15-month residential program at the Union Mission in Charleston, West Virginia, as more fully outlined on the record of the hearing, and follow the rules and regulations of the program including remaining regularly employed with the program as directed.

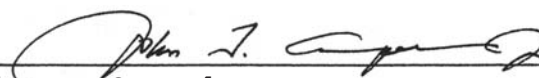
The defendant shall be released from custody at 8:00 a.m. on June 21, 2016, for transportation by Gary Stover from the South Central Regional Jail directly to the Union Mission program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 20, 2016

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John T. Copenhaver, Jr.  
United States District Judge